

ARTICLE 74-03

SEED CERTIFICATION STANDARDS

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CHAPTER 74-03-00.1 DEFINITIONS

Section

74-03-00.1-01 Definitions

74-03-00.1-01. Definitions. As used in this article, unless the context or subject matter otherwise requires:

1. "Blend" means seed consisting of more than one variety of a kind, each in excess of five percent by weight of the whole.
2. "Brand" means a word, name, or symbol, number, or design used to identify seed of one person to distinguish that seed from seed of another person.
3. "Bulk seed" means seed stored in bins and may mean seed stored in containers larger than one hundred sixty pounds [72.72 kilograms].
4. "Conditioning" includes all activities performed on seed between harvest and marketing. Other terms associated with conditioning could include cleaning, processing, sizing, grading, storing, seed treating, drying, scarifying, and other operations that may change the purity or germination of the seed.
5. "Field inspection" means physical examination or observation of a field by an authorized state seed employee. Inspections, tests, certifications and other acts are not intended to induce reliance on the Seed Department's inspections, certifications, or any other action or inaction for any purpose relating to quantity or quality of the seed or crop produced, fitness for purpose, merchantability, absence of disease or variety/selection identification. Certification means only that the seed

crop was randomly inspected, and at the time of the inspection the field or seed lot met the rules of the Department.

6. "Grower" means any person that is complying with all the certification rules and regulations in the production of field-inspected seed.
7. "Hybrid" definitions include:
 - a. "Double cross" means the first generation hybrid between two single crosses.
 - b. "Foundation single cross" means a single cross used in the production of a double cross, a three-way cross, or a top cross.
 - c. "Inbred line" means a relatively true-breeding strain resulting from at least five successive generations of controlled self-fertilization or of backcrossing to a recurrent parent with selection, or its equivalent, for specific characteristics.
 - d. "Open pollination" means pollination that occurs naturally as opposed to controlled pollination, such as by detasseling, cytoplasmic male sterility, self-incompatability, or similar processes.
 - e. "Single cross" means the first generation hybrid between two inbred lines.
 - f. "Three-way cross" means a first generation hybrid between a single cross and an inbred line.
8. "Inseparable other crops" means only other crops of similar size which are difficult to remove in the usual methods of cleaning.
9. "Mixture" means seed consisting of more than one kind, each in excess of five percent by weight of the whole.
10. "None" means none found during the normal inspection process (both field and seed standards). None is not a guarantee to mean the lot inspected or analyzed is free of the factor.
11. "Other varieties and off-types" means plants or seeds which do not conform to the characteristics of a variety as described by the breeder. They do not include variations which are characteristic of the variety.
12. "Type" means a group of variety so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.
13. "Variant" means any seed or plant that:
 - a. Is distinct but occurs naturally within a variety;
 - b. Is stable and predictable with a degree of reliability comparable

to other varieties of the same kind, within recognized tolerances, when the variety is reproduced or reconstituted; and

c. Was originally a part of the variety as released.

A variant is not an off-type.

14. "Variety" means a subdivision of a kind which is distinct, uniform, and stable; "distinct" in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all varieties of public knowledge, "uniform" in the sense that the variations in essential and distinctive characteristics are describable, and "stable" in the sense that the variety will remain unchanged to a reasonable degree of reliability in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories or varieties.

History: Effective May 1, 1986; amended effective September 1, 2002; January 2, 2006; September 1, 2006 .

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

CHAPTER 74-03-01

GENERAL SEED CERTIFICATION REQUIREMENTS

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74-03-01-01. Seed certification in North Dakota. The certification of seed in North Dakota is a function of the state seed department as outlined in North Dakota Century Code sections 4-09-16, 4-09-17, 4-09-18, and 4-09-19. This chapter applies to all crops, other than potato except seed potatoes, which are regulated pursuant to N.D.C.C. ch. 4-10, and N.D. Admin. Code article 74-04, grown for the production of all classes of North Dakota certified seed. If a North Dakota crop is accepted for field inspection and certification for which there are no North Dakota field or seed standards, the latest standards published by the association of official seed certifying agencies for that crop will apply.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-01-02. Purpose of seed certification. The purpose of seed certification is to maintain and make available to the public high quality seed of crop varieties so produced, handled, and distributed as to ensure proper identity and genetic purity. This rule is exhortatory and does not create a cause of action on account of any failure by the Department to correctly identify or certify seed variety or selection.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-01-03. Eligibility requirement for certification of crop varieties. As used in this chapter, "variety" includes hybrids and breeding lines, and selections, clones or strains of true varieties .

1. Only those varieties that are accepted by the North Dakota state seed department as meriting certification in accordance with the criteria established by the association of official seed certifying agencies shall be eligible for certification. A variety will normally be considered eligible for

certification if it has received favorable action by one or more of the following:

- a. a national variety review board.
- b. the plant variety protection office, including additional information itemized in 74-03-01-03.2e-i, which is required.
- c. an official seed certifying agency.
- d. The Organization for Economic Cooperation and Development (OECD)

Contact the state seed commissioner for varieties not covered by one of the above categories on questions regarding eligibility. In the absence of a national review board, a state or regional variety review committee may determine the eligibility for certification, if operating under similar criteria and approved by the seed commissioner.

2. The following must be made available by the originator, developer, owner, or agent when eligibility for certification is requested by the applicant.

- a. The name of the variety. This name must be the established name if the variety has previously been marketed.
- b. A statement concerning the variety's origin and the breeding procedure used in its development.
- c. A detailed description of the morphological, physiological, and other characteristics of the plants and seed that distinguish it from other varieties.
- d. Evidence of performance of the variety, such as comparative yield data, insect and disease resistance, or other factors supporting the identity of the variety.
- e. A statement delineating the geographic area or areas of adaptation of the variety.
- f. A statement on the plans and procedures for the maintenance of stock seed classes, including the number of generations through which the variety may be multiplied.
- g. A description of the manner in which the variety is constituted when a particular cycle of reproduction or multiplication is specified.
- h. Any additional restrictions on the variety, specified by the breeder, with respect to geographic area of seed production, age of stand, or other factors affecting genetic purity.
- i. A sample of seed representative of the variety that will be planted for certified seed production.

3. This rule does not create a mandatory duty or a cause of action on account of the Department's recognizing or refusing to recognize a variety as meriting certification.

History: Amended effective May 1, 1986; September 1, 2002; January 2, 2006; September 1, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-01-04. Classes (generation) and sources of certified seed.

1. Four classes (generations) of seed shall be recognized in seed certification: breeder, foundation, registered, and certified.
 - a. Breeder seed is directly controlled by the originating plant breeder, sponsoring institution or firm, which supplies the source for the initial and recurring increase of foundation seed.
 - b. Foundation seed is the progeny of breeder or foundation seed produced under control of the originator or sponsoring plant breeding institution, or person, or designee thereof. As applied to certified seed, foundation seed is a class of certified seed ~~which is~~ produced under procedures established by the certifying agency for the purpose of maintaining genetic purity and identity.
 - c. Registered seed is the progeny of foundation or other approved seed stocks that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the certifying agency. This class of seed shall be of a quality suitable for the production of certified seed.
 - d. Certified seed is the progeny of foundation, registered, certified, or other approved seed stocks that is so handled as to maintain satisfactory genetic identity and purity and that has been approved by the state seed department.
2. The number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner of a variety, but shall not exceed two generations beyond foundation seed. The following exceptions to the limitation of generations are permitted:
 - a. Unlimited recertification of the certified class may be permitted for older crop varieties wherein foundation seed is not being maintained.
 - b. The production of an additional generation of the certified class may be permitted on a one-year basis when:
 - (1) An emergency is declared prior to the planting season by the certifying agency stating that foundation and registered seed supplies are not adequate to plant the

needed certified acreage of the variety; and

(2) Permission of the originating breeder or owner of the variety is obtained (if applicable); and

(3) The additional generation of certified seed produced to meet the emergency seed is declared to be ineligible for recertification.

3. Seed that fails to meet the certification standards for reasons other than those affecting genetic purity may be certified in emergency situations and will be labeled with a "substandard grade" tag.

History: Amended effective May 1, 1986; January 2, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-01-09. Field inspection.

1. Applications. Applications for field inspection, accompanied by the correct fees, past-due accounts, and proof of seed eligibility, must be received at the state seed department office in Fargo not later than June fifteenth. The penalty fee will apply after that date. Applications for soybeans, millet, and buckwheat will be accepted until July fifteenth without late penalty. In case of an emergency or unusual circumstances due to weather or crop conditions, the deadline may be extended at the discretion of the seed commissioner. In such an event, late application penalties may be waived.

2. Information required on application. The application shall be completed by the applicant and returned to the seed department. All questions must be answered completely and correctly. The location of the farm and field, including the legal description, shall be given clearly so that the inspector will be able to find the farm and field readily without waste of time and extra travel. Farm service agency field maps must be provided by the applicant. If the seed is purchased, an official certified seed tag or bulk certificates must accompany the application or be made available to the seed department prior to field inspection.

3. Roguing and spraying fields. Roguing fields prior to inspection is recommended to remove undesirable plants from fields that are intended for seed certification. Plants that should be removed include off-type plants, other crop plants, prohibited and restricted noxious weeds, and other impurities which may be growing in the field.

Roguing is usually done by pulling out off types or other crop plants or weeds and removing them from the field. In the case of small grain, roguing should be done after heading as foreign plants are seen most easily at this time. In hybrid seed production, fertile off-types and undesirable plants should be removed before pollen is shed. Sterile off-types may be removed any time prior to the final inspection. Roguing is essential to maintain the purity of varieties and high standards of certified seed.

Whenever practical and advisable, seed fields should be sprayed with pesticides according to the manufacturers label for the control of pests. Growers must follow posting requirements as specified by state and federal agencies responsible for the regulation and use of pesticides.

4. Weeds and diseases.

a. Prohibited noxious weeds under North Dakota seed laws and rules are leafy spurge, field bindweed (creeping jenny), Canada thistle, perennial sow thistle, Russian knapweed, hoary cress (perennial peppergrass), absinth wormwood, hemp having more than three-tenths of one percent tetrahydrocannabinol, musk thistle, spotted knapweed, and yellow starthistle.

b. Restricted noxious weeds under North Dakota seed laws and rules are dodder species, hedge bindweed (wild morning glory), wild oats, and quackgrass.

c. A field may be rejected if it is the opinion of the field inspector that the amount and kind of weeds present make it difficult to provide for

inspection, or the condition is such that the quality of the cleaned seed may be questionable.

- d. Objectionable weed seeds are restricted noxious weeds under North Dakota seed laws and rules and may include some common weeds which cause a specific problem in the conditioning of some individual crops.

- e. Diseases not governed by specific crop standards may be cause for rejection if it is the opinion of the inspector that the quality of the cleaned seed may be affected or if results of tests made on the seed indicate a disease condition which will affect the crop produced from such seed.

5. Cancellation of field inspection. An application may be canceled by the grower before the field inspection is made and the application fee minus an administrative fee will be refunded to the applicant. The request for cancellation, however, must reach the state seed department before the inspector arrives in the general locality of the field or before inspection has occurred. Refunds will not be made after fields are inspected or because fields have been rejected.

6. Appeal inspection of rejected fields will be considered, provided application for appeal allows a reasonable amount of time for reinspection prior to harvest. A fee for re-inspection may be assessed.

7. The variety name stated on the application will be standard for inspection when entering the field. Absent compelling visual evidence to the contrary, the variety or selection declared by the grower will be presumed correct if the documentation provided is valid, and the variety description characteristics are met within each specific crop standard and class.

8. Inspections, tests, certifications and other acts are not intended to induce reliance on the Seed Department's inspections, certifications, or any other action or inaction for any purpose relating to quantity or quality of the seed or crop produced, fitness for purpose, merchantability, absence of disease, or variety/selection identification. Certification means only that the seed was randomly inspected, and at the time of the inspection the field or seed lot met the rules of the Department.

History: Amended effective May 1, 1986; May 1, 1988; December 18, 1989; September 1, 2002; January 2, 2006; September 1, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-01-11. Seed sampling and laboratory inspection.

1. **Identification in storage.** Field-inspected seed must be identified at all times. Identification must be traceable to field inspection numbers from the crop year in which the seed was produced. Conditioned seed in storage must be identified by kind, variety, and lot number displayed on the bin or storage container.
2. **Preconditioned sample testing.** To speed up tagging and determine the quality of seed prior to conditioning, a representative sample of

seed from each field which has passed field inspection may be submitted to the state seed department soon after the crop is harvested for the purpose of germination and disease testing. This sample should be cleaned on a small mill or hand sieve to correspond as nearly as possible to the condition of the entire lot after cleaning or conditioning.

Disease tests required on preconditioned samples may be used for final certification purposes. A grower may request new tests after conditioning to be used for labeling purposes. Fragile crops such as soybeans, field beans, and field peas must be tested for germination after the final conditioning of the seed lot to assure correctness of label claims. The labeler is responsible in all cases for information provided or stated on seed labels.

3. Sampling procedures.

- a. All seed lots for final certification should be sampled during conditioning by taking representative samples at periodic intervals throughout the process of conditioning the seed lot.
- b. Specific instructions to samplers are found on the reverse side of the samplers report.

4. Maximum lot size and numbering.

- a. The maximum lot size for bagged seed is two thousand bushels [704.78 dekaliters] except for small seeded legumes and grasses which is twenty-two thousand five hundred pounds [10000 kilograms]. For all crops, one sample for each lot is required, except small seeded legumes and grasses. For small seeded legumes and grasses, one sample for twenty-two thousand five hundred pounds [10000 kilograms] is required. Bulk certified and registered class lots do not have a maximum size limit except bin capacity. Each bin is considered a separate seed lot. Bulk seed requires one sample per lot.
- b. The lot number shall be designated by the labeler. The lot number of the seed planted may not be used as the new lot number for the seed being certified during the current crop year.

5. Commingling (mixing) of inspected seed fields. Seed from different fields of the same kind and variety, which have passed field inspection, may be commingled if the seed is of the same class, generation, and general quality. If the seed of different classes or generations is commingled, the seed becomes eligible for the lowest class only.

6. Conditioning.

- a. All field-inspected seed which is to be labeled must be conditioned and must meet the minimum seed standards for the crop and class.
- b. Field-inspected seed may be conditioned either by the grower or at an approved seed conditioning plant.

7. Conditioning by farmer/grower - Procedure.

a. Condition the seed. A farmer/grower does not need an approved conditioning plant permit if the farmer/grower conditions his own seed on the farmer's/grower's premises with the farmer's or grower's equipment.

b. The farmer or grower must complete a samplers report in its entirety, attach the report to a two pound [.907 kilogram] sample that is representative of the entire seed lot, and deliver to the state seed department in Fargo for analysis.

8. Conditioning at an approved plant.

- a. Growers must complete a grower's declaration if ownership of the seed lot has been transferred to a different individual or entity. Transfer of ownership of field-inspected seed is limited to an approved conditioner or bulk retailer unless the transfer has been approved by the commissioner or the commissioner's agent.
- b. The grower's declaration shall be completed and signed when ownership of the seed lot has changed and the seed is delivered for conditioning.
- c. While conditioning, all seed must be sampled at regular intervals by an authorized sampler. The sample and completed sampler's report must be submitted to the state seed department for analysis.

9. Regulatory sampling. The state seed department may resample any lot of seed before final certification or after the seed is labeled.

10. Laboratory analysis.

- a. All laboratory testing shall be done by qualified personnel of the state seed department. Analysis and tests of seed samples and definition of analysis terms shall be in accordance with the rules of the association of official seed analysts(AOSA). In certain cases when time constraints are critical to the efficient movement of certified seed, the commissioner may accept germination or other test results from another AOSA-approved laboratory, through the certification agency of the state of origin of the seed.
- b. If more than one sample of seed from the same lot is tested for purity without additional conditioning, an average shall be taken of all tests conducted. Results from the most recent germination or disease test, shall be used as the final result.
- c. The test results from official samples drawn by state seed department personnel shall supersede all other test results from submitted samples.
- d. Seed from certain classes and/or kinds may be subject to variety identification analysis at the discretion of the department, with testing fees payable by the grower or labeler.

History: Amended effective May 1, 1986; May 1, 1988; December 18, 1989; August 1, 1991; September 1, 2002; January 2, 2006; September 1, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-01-12. Labeling.

1. Bagged seed.

- a. All bagged seed represented or sold as foundation, registered, or certified must be bagged in new bags and the official certification tag properly affixed on the bag. Certification tags are void if improperly used or not attached to the bag. Containers or tote bags larger than one hundred sixty pounds [72.77 kilograms] may be considered bulk seed.
- b. The responsibility for properly labeling foundation, registered, or certified seed rests with the grower or first distributor.
- c. The use of two tags, the official certification tag and a separate analysis tag, on foundation, registered, or certified seed is optional. When two tags are used, the certification tag, will not carry the seed analysis. An additional seed analysis tag must be used or the analysis printed on the bag.
- d. Certified seed will be considered mislabeled unless the seed analysis is on either the certification tag or on an additional tag or printed on the bag.
- e. Certification tags are not valid when they are transferred in any manner other than attached to the eligible seed bag.

2. **Bulk certification.** All rules for production, conditioning, and testing of certified seed shall apply except that seed does not have to be in bags.

- a. All field and seed standards applying to bagged seed shall also apply to bulk certified seed.
- b. Certified seed may be sold in bulk by an approved retail seed facility or by the applicant producer. A maximum of two physical transfers are permitted after final certification:
 - (1) From the applicant labeler to an approved retailer or consumer.
 - (2) From an approved retailer to consumer.
- c. The foundation and registered class may be sold in bulk. To be eligible for recertification, bulk foundation or registered seed must be sold by the applicant producer or by an approved conditioner directly to the consumer. Approved bulk handlers may be allowed to handle bulk registered seed on a case-by-case basis as authorized by state seed department personnel.
- d. It is the seller's responsibility to:
 - (1) Handle seed in a manner to prevent mixtures

and contamination.

- (2) Supply seed that is representative of the seed tested and approved for certification.
- (3) Ensure all bins, augers, conveyors, and other equipment are adequately cleaned before handling certified seed.
- (4) Determine that the vehicle receiving bulk certified seed has been cleaned prior to receiving the seed. If it is not clean, this is to be noted on the bill of sale or transfer certificate.
- (5) Provide to the purchaser a bulk certificate for each load of bulk certified seed at the time of delivery.
- (6) The conditioned lot shall not be moved from the premises of the approved conditioning plant or labeler's facility until the sample has been tested by the state seed department laboratory and shows that the lot is eligible for certification.

e. It is the buyer's responsibility to:

- (1) Obtain a bulk certificate from the seller for each load of bulk certified seed at the time of delivery.
- (2) Provide a clean vehicle or container in which to load seed.
- (3) Maintain purity of the seed after it has been loaded into the buyer's vehicle.

f. The bulk certified seed certificate takes the place of the certified seed tag. The complete seed analysis will be printed on the certificate.

g. Bulk retail seed facilities must be approved annually before certified seed can be handled in bulk. Such facilities may be part of a seed conditioning plant or may be approved only for handling bulk certified seed. Before approval, all procedures for receiving, storing, dispensing, and recordkeeping must be inspected. The applicant must demonstrate acceptable procedures for maintaining purity and identity of bulk certified seed.

h. For all bulk certified seed:

- (1) A separate storage bin must be available for each lot that will be sold in bulk.

(2) All bins, augers, conveyors, and other equipment must be

cleaned before storage or handling certified seed.

- (3) All hopper bins must be equipped with bottom access ports, inside ladders or some other means approved by the seed department to facilitate access for cleaning.
- (4) All augers used to convey seed must be reversible.
- (5) All bins must be clearly and prominently marked to show crop, variety, seed class, and lot number.
- (6) All bin openings must be closed to prevent contamination, except when seed is being put in or removed from the bin.

i. The following records must be maintained:

- (1) Amount of seed grown and conditioned or purchased for bulk sale.
- (2) Amount of bulk certified seed sold by variety and lot number.
- (3) A current inventory of seed available for sale for each variety.
- (4) It is the seller's responsibility to maintain possession of a two pound sample identified by variety, kind, and lot number of each lot of certified seed, whether bagged or in bulk, sold for a period of two years after the final disposition of the seed lot.

3. No person may disclaim responsibility of the vendor of the seed for the data on the label required by law, and any such disclaimer of vendor's express or implied warranty is invalid.

History: Amended effective May 1, 1986; September 1, 2002; January 2, 2006; September 1, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16; 4-09-14(4)(e)

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18; 4-09-14(4)(e)

74-03-01-18. Exclusion of warranty. Field seeds certified in accordance with this chapter have been field inspected and laboratory tested as specified in this chapter. The state seed department and inspection services function and serve only in an official regulatory manner and do not relieve the grower or owner of the grower's or owner's responsibility. Neither the producer, the seller, the North Dakota seed commission, the seed commissioner, or the commissioner's employees make any warranty or representation of any kind, express or implied, as the quantity or quality of the crop produced from certified seed, including merchantability, fitness for a particular purpose, ~~or~~ absence of disease, or varietal (selection) identity. The only representation is that the seed was produced, graded, and inspected under the seed certification rules and regulations of the North Dakota state seed department.

History: Effective September 1, 2002; September 1, 2006.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18, 4-09-20.1

ARTICLE 74-04

SEED POTATO CERTIFICATION STANDARDS

Chapter	
74-04-01	Seed Potato Certification Standards

CHAPTER 74-04-01 SEED POTATO CERTIFICATION STANDARDS

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74-04-01-01. Definitions. As used in this chapter:

1. "Basic seed" means seed potatoes produced by means of meristem, stem cutting, or other techniques for increase by certified growers.
2. "Certification" is strictly limited to the act of endorsing that the potatoes have met the standards or requirements specified in this chapter for seed potatoes. Certification does not mean or constitute any warranty or representation that the potatoes are of the variety or selection identified on the label, merchantable, disease free, fit for a particular purpose or anything other than that the potato crop was inspected and that at the time of inspection did meet the standards set forth in this chapter.
3. "Damaged by soil" means that the individual potato has more than fifty percent of its surface affected by light caked soil, or more than fifteen percent of its surface badly caked with soil.
4. "Dry land type", as allowed for long varieties only, means not seriously misshapen.
5. "Except for shape", as allowed for long varieties only, means the potatoes may be seriously misshapen.
6. "Experimental cultivar" means a numbered cultivar or cultivar that has not yet been released from a breeding program or has been produced under experimental conditions.

7. "Field year" means the time which is required for the potato plant to complete the growing cycle from planting in the field until maturity.
8. "Foundation seed" means a primary source of a genetically identified variety from which increases are made.
9. "Grade" refers to the tuber quality, condition, and size factors as specified in this chapter.
10. "Inspection" means visual examination or observation of sample plants or tubers.
11. "Label" means an official tag or bulk certificate used to identify certified seed.
- ~~44~~ 12. "Latent diseases" means diseases not detectable by visual inspection.
- ~~42~~ 13. "Lightly caked with soil" means approximately one-eighth of an inch [3.18 millimeters] in depth.
- ~~43~~ 14. "Micropropagation" means the aseptic production of potato plantlets, tubers, or sprouts utilizing meristem culture.
- ~~44~~ 15. "Off type" means potato plants in a field that deviate in one or more characteristics from that which is usual in the variety being grown, or different from the cultivar, variety, strain or selection stated on the grower application for certification.
- ~~45~~ 16. "Plant Variety Protection Act" means a federal Act passed in 1970 which gives the owner of a novel variety the exclusive right to produce and market that variety.
- ~~46~~ 17. "Prenuclear seed" means plantlet propagation source resulting from the use of aseptic propagation techniques either in the laboratory or controlled environment.
- ~~47~~ 18. "Seed potatoes" means Irish potato tubers to be used for planting.
- ~~48~~ 19. "Seed warehouse" means a building for seed potato storage that is separate in structure and foundation from a commercial potato storage unit.
- ~~49~~ 20. "Selection" means a subgroup of a variety of potato. Commonly used terms include line selection, clonal selection or strain selection.
- ~~20~~ 21. "Seriously damaged by soil" means a potato having caked soil on more than one-half of the surface or an equivalent amount of soil in excessively thick chunks on a lesser area.
- ~~21. "Tag" refers to the state seed department's official certification tag used to identify certified seed.~~
22. "Tolerance" means a permissible allowance for such factors as disease, grade defects, and varietal mixture.

23. "Variety" means a plant group within a single botanical taxon of the lowest-known rank which, without regard to whether the conditions for plant variety protection are met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic, and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by transplants, plants, tubers, tissue culture, plantlets and other matter.
24. "Virus tested" means tested for latent viruses by methods established by the state seed department.
25. "Zero tolerance" means that no amount is permissible. It does not mean that the seed is absolutely free of a disease or disease-causing agent, grade defect, or varietal mixture, but that none was found during inspection.

History: Amended effective December 1, 1981; December 1, 1987; September 1, 1997; September 1, 2002; January 1, 2005; January 2, 2006; September 1, 2006.

General Authority: NDCC 4-10-03

Law Implemented: NDCC 4-10-04

74-04-01-02. General requirements and responsibilities.

1. Participation and responsibility.

- a. Participation in this seed potato program is voluntary and may be withdrawn prior to the first inspection.
- b. Responsibilities.
 - (1) Seed Department responsibilities: The inspections, approvals, certification, and production of these rules and regulations will be done by the state seed department.
 - (2) Applicants responsibilities: The farming, sanitation practices, storing, and packing will be the grower's responsibility. It is the responsibility of the applicant to maintain genetic purity and identity at all stages of certification including planting, harvesting, storing and handling. Evidence that any lot of seed has not been protected from contamination that might affect genetic purity or is not properly identified shall be cause for possible rejection of certification.

2. General requirements.

- a. Potatoes to be eligible for the program shall have been in a certification program and winter tested for eligibility.

- b. Fields will pass two or more inspections given by visual examination of a representative sample of the plants which method and size of sample will be determined by the state seed department.
 - c. Fields passing inspection will be stored in a seed warehouse and sorted to grade at shipping time.
 - d. Responsibility for the quality of work done in sorting the potatoes falls upon the grower or a thoroughly qualified agent authorized by the grower.
 - e. Requirements for certification are not complete on any lot of eligible potatoes until properly tagged as described in this chapter and an official seed grade inspection certificate has been issued. Official seed grade inspections are compulsory for seed shipped interstate. Grade inspection will be voluntary for intrastate shipments.
 - f. The responsibility for properly labeling foundation or certified seed rests with the grower of the seed. The official tags or bulk certificates will be issued only on order or authorization from the grower, who must provide to the purchaser a proper and accurate label for each container or load of seed at the time of delivery. These tags or bulk certificates are to accompany ~~be attached to the container at the time the potatoes are being graded or loaded for shipment so as to constitute an effective seal at shipment.~~ Tags Labels must not be applied to stock other than that indicated on the tags or bulk certificates. Bulk shipments, truck or railcar, when thoroughly disinfected, may be considered the container. Excess labels must be returned to the Seed Department.
9. Resorting or regrading. If a lot of potatoes fails to meet certified seed grade requirement upon inspection, they are to be reconditioned to meet the requirement or the official tags must be removed.
- h. Reconditioning while in transit. In the case of any circumstance making it essential to recondition seed in transit, permission must be obtained from the state seed department.
 - i. Latent virus testing. Serological testing for latent viruses shall be voluntary and a requirement for only virus-tested seed. Virus-tested seed meeting established tolerances may be indicated on the tag.
 - j. Upon the discretion of the state seed department, potato seed lots originating from out of state may be subjected to a laboratory test, by a seed department approved laboratory, for the detection of seedborne pathogens. Eligibility for recertification of any seed lot so tested must be based on that laboratory test. Additional documentation, including health certificates and or summer/winter field readings, may be required by the seed department prior to

acceptance for recertification in this state.

- k. Failure to comply with any of the requirements of this chapter may be cause for rejection or cancellation of the lot or the certification of any seed as seed potatoes.

3. No person may disclaim responsibility of the vendor of the seed for the data or information on the label required by law and any such disclaimer of vendor's express or implied warranty is invalid.

3 4. **Violations.** The state law specifically states the use of the term "certified" or the term "registered" or any term or terms conveying a meaning substantially equivalent to the meaning of any said terms, either orally or in writing, printing, marking, or otherwise in reference to or in connection with or in advertising or characterizing or labeling seed potatoes or the containers thereof is prohibited, unless such potatoes shall have been duly inspected and certified pursuant to the provisions of the law. Any violation of this law and any person on conviction thereof, shall be fined not more than one hundred dollars and cost for first offense and not more than five hundred dollars and costs of prosecution for subsequent offenses.

History: Amended effective December 1, 1981; June 1, 1992; January 2, 2006; September 1, 2006.

General Authority: NDCC 4-10-03

Law Implemented: NDCC 4-10-04

74-04-01-03. Exclusion of warranty and limitation of remedy. Seed potatoes certified in accordance with this chapter have been field and grade inspected as specified in this chapter. The state seed department and the inspection service function and serve only in an official regulatory manner and do not relieve the grower or owner of the grower's or owner's responsibility. Neither the producer, the seller, the North Dakota seed commission, the seed commissioner, or the commissioner's employees make any warranty or representation of any kind, express or implied, as to the quantity or quality of the crop produced from certified seed, including merchantability, fitness for a particular purpose, or absence of disease, or varietal (selection) identity. The only representation is that the seed potatoes were produced, graded, packed, and inspected under the seed certification rules and regulations of the North Dakota state seed department.

History: Amended effective December 1, 1981; September 1, 2006.

General Authority: NDCC 4-10-03

Law Implemented: NDCC 4-10-04

74-04-01-06. Seed eligibility.

1. North Dakota seed stocks.
 - a. Seed lots of North Dakota origin to be eligible will have been grown under the seed certification program in the previous season passing field inspection and the winter test.
 - b. Seed stocks not having a winter test may be accepted on an observational basis but only after they have been laboratory tested and only with prior approval from the state seed department. The cost of laboratory testing will be borne by the applicant. The same field inspection fee structure will apply to this application.
2. Seed stocks from other sources. Seed lots from sources other than North Dakota will be of the foundation or approved classification and have passed a winter grow-out or laboratory test on a sample of the lot that is equal to or greater than the size of the winter test sample as outlined in this bulletin.
3. Purchase proof must accompany the application to provide sufficient evidence as to origin and quantity of seed. An approved combination of shipping point certificates, affidavits, North American certified seed potato health certificates or sales receipts will be accepted. The variety or selection declared by the grower will be presumed correct if the documentation provided is valid and acceptable for all other purposes.
4. Individual seed lots will be maintained separately at all times.
5. Any variety protected by patent or the Plant Variety Protection Act must have authorization from the owner.

History: Amended effective December 1, 1981; June 1, 1992; September 1, 1997; September 1, 2002; January 2, 2006; September 1, 2006.

General Authority: NDCC 4-10-03

Law Implemented: NDCC 4-10-04

74-04-01-08. Field inspection standards.

1. Each seed potato field will be visibly inspected based on sample inspection. The method of inspection and sample size will be at the discretion of the state seed department but a minimum of one hundred plants per acre [.40 hectare] will be inspected. For varieties that do not express readily visible symptoms of a disease, laboratory testing may be done for the pathogen.
 2. The field tolerance established will be based on visible symptoms in the samples inspected. Diseases which cannot be observed visibly may be present.
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First Inspection Tolerances (%)							
Foundation Class							
Generation							
	0	1	2	3	4	5	0-6
Varietal mixture	0.1	0.2	0.3	0.5	0.5	0.5	0.5
Spindle tuber viroid	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Severe mosaics (PVY)	0.2	0.3	0.4	0.5	0.5	0.5	1.0
Leaf roll (PLRV)	0.2	0.3	0.4	0.5	0.5	0.5	1.0
Total serious virus	0.2	0.3	0.4	0.5	0.5	0.5	1.0
*Bacterial ring rot	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Second and all Subsequent Inspections Tolerances (%)							
Foundation							
Class							
Generation							
	0	1	2	3	4	5	0-6
Varietal mixture	0.1	0.1	0.2	0.3	0.3	0.3	0.3
Spindle tuber viroid	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Severe mosaics (PVY)	0.0	0.1	0.2	0.3	0.3	0.3	1.0
Leaf roll (PLRV)	0.0	0.1	0.2	0.3	0.3	0.3	1.0
Total serious virus	0.0	0.1	0.2	0.3	0.3	0.3	1.0
*Bacterial ring rot	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Late blight found during field inspection must be confirmed by symptoms or laboratory diagnosis before being reported on the inspection report.

* The zero tolerance means that no amount is permissible when inspected. It does not mean that the seed is absolutely free of disease or disease-causing agents, but that none was found during inspection.

Varieties that do not express visible disease symptoms. Potato varieties that do not express visible disease symptoms of a specific pathogen may be subjected to a laboratory test to determine the levels of the pathogen in a seed lot. This testing may occur during the growing season or during the winter test, or both, and may affect eligibility of the seed lot.

Blackleg. Since the blackleg disease may be latent, the inspector will record only the percentage observed during the first and second inspection, and no tolerance will be established. However, any excessive amount can be cause for rejection. Blackleg observations shall be based upon sample plants exhibiting the characteristic black, inky, soft, slimy, decomposed tissue of the stem.

Wilt. Only the percentage noted will be recorded on the first and second inspection, and may include other factors such as maturity, drought, or alkali problems but any excessive amount may be cause for rejection.

There will be zero tolerance for potato wart, corky ring spot, gangrene, golden nematode, root knot nematode, tuber moths, or other such injurious pests that have

never been found and confirmed in North Dakota seed potato fields.

Tolerances for potato virus x tested seed. All of the above tolerances will apply, including a requirement that bacterial ring rot must not have been found on the farm during the season. Seed lots with no more than two percent potato virus x infection may be identified as virus x tested on certification tags.

3. Field conditions.

- a. Insect control must be maintained early and until the vines are killed or matured. Fields suffering excessive insect injury may be disqualified for certification. A grower will notify the inspector of the date of spraying and spray material applied.
- b. Vine killing. If a field has not received final inspection, the grower must obtain approval from the inspector before killing the vines. Furthermore, if the inspector deems it appropriate, a laboratory test may be required and/or strips of unkilld vines must be left in the seed fields to facilitate final inspections. When strips are left for inspection, the first twelve rows (if a six-row planter was used, eight rows if a four-row planter was used) must not be vine-killed. It will be the responsibility of the seed producer to identify where seed planting began. Approximately ten percent of the seed field acreage must be left in strips.
- c. Any condition such as excess weeds, hail injury, foreign plants, chemical damage, soil conditions, or insect damage that interferes with proper inspection may disqualify the seed for certification.
- d. Roguing is permitted and recommended in many cases but must be done before the inspector arrives in the field.
- e. Presence of disease or conditions not mentioned heretofore which may impair seed quality shall constitute cause for rejection or additional testing before final certification. Stocks which show an excessive percentage of total serious virus in official southern post harvest tests shall be considered ineligible for certification tags.

4. Appeal inspection of rejected fields will be considered, provided application is made within three days after rejection, the field is in good condition for inspection, and no additional roguing is done previous to reinspection.

5. Bacterial ring rot control.

- a. All seed produced by a farming operation in which bacterial ring rot has been found will be ineligible for recertification the following year.
- b. If the farming operation is found to be infected, all equipment and

storages must be cleaned and disinfected.

- c. A farming operation found to be infected on three consecutive years shall be required to purchase all new seed, clean, and disinfect the operation under the supervision of the state seed department before entering any seed for certification.

6. The variety name stated on the application will be the standard for inspection when entering the field. Absent compelling visual evidence to the contrary, the variety or selection declared by the grower will be presumed correct if the documentation provided is valid, and the variety description characteristics meet the requirements of the chapter.

7. Inspections, tests, certifications and other acts are not intended to induce reliance on the Seed Department's inspections, certifications, or any other action or inaction for any purpose relating to quantity or quality of the seed or crop produced, fitness for purpose, merchantability, absence of disease or variety/selection identification. Certification means only that the potatoes were randomly inspected, and at the time of the inspection the field or seed lot met the rules of the Department.

History: Effective December 1, 1981; amended effective June 1, 1992; September 1, 1997; July 16, 2001; September 1, 2002; January 2, 2006; September 1, 2006.

General Authority: NDCC 4-10-03

Law Implemented: NDCC 4-10-04

74-04-01-11. Official North Dakota seed potato grades. Final grade determination shall be made based on physical defects, size, shape, and cleanliness. Two grades, first or blue tag, and second or yellow tag, are available for shipment outside the state. A white tag is available but restricted to shipments within the state. The potatoes will be packed in new burlap sacks or clean, disinfected containers identified by official tags attached as to variety, crop year, and grower and accompanied by an official state or federal grade certificate. United States department of agriculture revised standards, effective March 2002, for seed potatoes shall be the official guide for applying and interpreting all definitions and terms used in North Dakota seed potato grades. Grade inspection will be made on a sample basis.

1. First grade blue tag seed potatoes shall consist of unwashed potatoes of one variety which must meet the following requirements:
 - a. Shape. Fairly well-shaped except for long varieties.
 - (1) Dryland type (see definitions section 74-04-01-01).
 - (2) Except for shape (see definitions section 74-04-01-01).
 - b. Free from:
 - (1) Freezing injury.

- (2) Blackheart.
 - (3) Soft rot and wet breakdown.
 - (4) Late blight tuber rot.
 - (5) Bacterial ring rot.
 - (6) Nematode or tuber moth injury.
 - (7) Fresh cuts or fresh broken-off second growth.
- c. Free from serious damage caused by:
- (1) Hollow heart.
 - (2) Vascular ring discoloration.
 - (3) Wireworm.
 - (4) Growth cracks.
- d. Free from damage by soil and other causes (see definitions section 74-04-01-01 and classification of defects, section 6, tables I and II of section 74-04-01-11).
- e. Size:
- (1) Minimum size, unless otherwise specified, must be one and one-half inches [38.1 millimeters] in diameter.
 - (2) Maximum size may not exceed twelve ounces [340.2 grams] for round-shaped or intermediate-shaped varieties and fourteen ounces [396.9 grams] for long varieties.
 - (3) For all varieties, size B must be from one and one-half inches [38.1 millimeters] to not more than two and one-quarter inches [57.1 millimeters] in diameter.
- f. Tolerances. In order to allow for variations incident to proper grading and handling in the foregoing grade, the following tolerances, by weight, are provided as specified:
- (1) For defects:
 - (a) Ten percent for potatoes in any lot which are seriously damaged by hollow heart.
 - (b) Ten percent for potatoes in any lot which are damaged by soil. (see definitions section 74-04-01-01).
 - (c) Five percent for potatoes in any lot which are seriously

damaged by vascular ring discoloration.

- (d) Potatoes affected by silver scurf are not grade factors.
- (e) Not more than ten percent of the potatoes seriously damaged by wireworm.
- (f) Eleven percent for potatoes which fail to meet the remaining requirements of grade, including therein not more than six percent for external defects and not more than five percent for internal defects; provided that included in these tolerances not more than the following percentages shall be allowed for the defects listed:

	Percent
Bacterial ring rot	0.00
Late blight tuber rot	1.00
Damage by dry-type or moist-type fusarium tuber rot	2.00
Nematode or tuber moth injury	0.00
Frozen, soft rot, or wet breakdown	0.50
Varietal mixture	0.50

- (2) For off-size:
 - (a) Undersize. Five percent for potatoes in any lot which fail to meet the required or specified minimum size.
 - (b) Oversize. Ten percent for potatoes in any lot which fail to meet the required or specified maximum size.
- 2. Second grade yellow tag potatoes shall consist of unwashed potatoes that meet the requirements for blue tag grade except for defects caused by hollow heart, wireworm, internal discoloration, firmness, sprouts, and sunken, flattened, or depressed areas with or without underlying flesh discolored, and are not seriously damaged by soil and for increase in maximum size, and for increased tolerance for defects listed below:

Tolerances.

- a. For defects:
 - (1) Twenty percent for potatoes seriously damaged by hollow heart.
 - (2) Firmness, sprouts, wireworm, internal discoloration, sunken, flattened, or depressed areas with or without underlying flesh discolored and growth cracks are not grade factors.
 - (3) Twenty percent for potatoes which fail to meet the remaining requirements of the grade; provided, that included in this amount not more than six percent shall be seriously damaged and included therein not more than one-half of one percent shall be allowed for potatoes which are frozen or affected by soft rot or wet breakdown.
 - b. Size. Maximum size, unless otherwise specified may not exceed fourteen ounces [396.90 grams] for round-shaped or intermediate-shaped varieties and sixteen ounces [453.60 grams] for long varieties.
- 3. White tag. Official white identification tags will be furnished on request for potatoes which passed field inspection requirements and are being transferred for seed purposes, within the state of North Dakota only. ~~Such stock shall meet United States number two grade requirements, except for defects caused by firmness, sunburn, hollow heart, wireworm, and sunken, flattened, or depressed areas with or without underlying flesh discolored. Not more than two percent shall be damaged by dry type or moist type fusarium tuber rot. Unless otherwise specified, the maximum size shall be fourteen ounces [396.60 grams] and one and one-half inches [38.1 millimeters] minimum.~~ State seed

department grade inspection on white tag lots is not compulsory, but may be obtained upon request.

4. Application of tolerances. Individual samples may not have more than double the tolerances specified, except that at least one defective and one off-size potato may be permitted in any sample; provided that en route or at destination, one-tenth of the samples may contain three times the tolerance permitted for potatoes which are frozen or affected by soft rot or wet breakdown; and provided, further, that the averages for the entire lot are within the tolerances specified for the grade.
5. Samples for grade and size determination. Individual samples shall consist of at least twenty pounds [9.06 kilograms]. The number of such individual samples drawn for grade and size determination will vary with the size of the lot.
6. Classification of defects.
 - a. Brown discoloration following skinning, dried stems, flattened depressed areas (showing no underlying flesh discoloration), greening, skin checks, and sunburn do not affect seed quality and may not be scored against the grade.
 - b. Table I - External defects.

DAMAGE		
Defect	When materially detracting from the appearance of the potato	OR When removal causes a loss of more than 5 percent of the total weight of the potato
Air cracks		x
Bruises		x
Cuts and broken-off second growth (healed)	x	x
Elephant hide (scaling)	x	
Enlarged, discolored, or sunken lenticels	x	
Folded ends	x	
Second growth	x	
Shriveling	When more than moderately shriveled, spongy, or flabby.	
Sprouts	When more than 20 percent of the potatoes in any lot have any sprout more than 1 inch [25.4 millimeters] in length.	

Surface cracking	x	x
Flea beetle injury	x	x
Grub damage	x	x
Rodent and/or bird damage	x	x
Wireworm or grass damage	Any hole more than 3/4 inch [19.1 millimeters] long or when the aggregate length of all holes is more than 1 1/4 inches [31.8 millimeters] ¹ .	
Dry-type or moist-type fusarium rot		x
Rhizoctonia	x	
Scab, pitted	x	x
Scab, russet	When affecting more than 1/3 of the surface.	
Scab, all surface	When affecting more than 5 percent of the surface.	
Growth cracks	When seriously detracting from the appearance.	
Pressure bruises and sunken areas with underlying flesh discolored		When removal causes a loss of more than 10 percent of the total weight.

¹ Definitions of damage and serious damage are based on potatoes that are two and one-half inches [63.5 millimeters] in diameter or six ounces [170.10 grams] in weight. Correspondingly lesser or greater areas are permitted on smaller or larger potatoes.

C. Table II - Internal defects.

DAMAGE			
Defect	When materially detracting from the appearance of the potato	OR	When removal causes a loss of more than 5 percent of the total weight of the potato
Ingrown sprouts			x
Internal discoloration occurring interior to the vascular ring (such as, internal brown spot, mahogany browning, and heat necrosis).	When more than the equivalent of three scattered light brown spots 1/8 inch [3.2 millimeters] in diameter ¹ .		

All other internal
discoloration,
excluding dis-
coloration
confined to the
vascular ring.

x

SERIOUS DAMAGE			
Defect	When seriously detracting from the appearance of the potato	OR	When removal causes a loss of more than 10 percent of the total weight of the potato
Internal discoloration confined to the vascular ring.			x
Hollow heart or hollow heart with discoloration.	When affected area exceeds that of a circle 3/4 inch [19.1 millimeters] in diameter ¹ .		

¹ Definitions of damage and serious damage are based on potatoes that are two and one-half inches [63.5 millimeters] in diameter or six ounces [170.10 grams] in weight. Correspondingly lesser or greater areas are permitted on smaller or larger potatoes.

7. Classification and serologically tested stocks.

- a. Foundation seed classification may be indicated on the tag provided the lot meets foundation standards.
- b. Serologically tested stocks for potato virus x, potato virus s, potato virus y, potato virus a or potato virus m may be so indicated on the tag if within the specified tolerance during the current growing season.

8. Grade inspections are not intended to induce growers or producers reliance regarding the presence or absence of disease, the identity of the variety (selection), quantity or quality of the seed or crop produced, or the fitness of the seed.

Blue and yellow tag shipments must be inspected and meet respective grade requirements.

History: Effective December 1, 1981; amended effective June 1, 1985; December 1, 1987; June 1, 1992; September 1, 1997; July 16, 2001; September 1, 2002; January 2, 2006; September 1, 2006.

General Authority: NDCC 4-10-03

Law Implemented: NDCC 4-10-04

ARTICLE 74-05

WHOLESALE POTATO DEALERS

Chapter
74-05-01 Wholesale Potato Dealer Requirements

CHAPTER 74-05-01 WHOLESALE POTATO DEALER REQUIREMENTS

Section

74-05-01-01 Definition of Wholesale Potato Dealer
74-05-01-02 Persons Excluded from Application of Chapter
74-05-01-03 License Fee
74-05-01-04 Bond - Fee - Exemption
74-05-01-05 Dealer Responsible for Acts of Agents
74-05-01-06 Time Limit for Payment
74-05-01-07 Contracts - Confirmation
74-05-01-08 Complaints
74-05-01-09 Claims Against Bonds
74-05-01-10 License Suspension, Revocation, or Cancellation

74-05-01-01. Definition of wholesale potato dealer. Repealed effective January 1, 2005.

74-05-01-02. Persons excluded from application of chapter. This chapter does not apply to any person who grows or produces one's own potatoes for one's own account, nor to any person who makes purchase of potatoes for the purpose of retail sale in less than standard freight carload lots and in one's local trade.

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-19

74-05-01-03. License fee. ~~Repealed effective January 1, 2005.~~
The annual license fee is two hundred dollars. All licenses expire on June thirtieth.
Amended effective September 1, 2006

74-05-01-04. Bond - Fee - Exemption. Repealed effective January 1, 2005.

74-05-01-05. Dealer responsible for acts of agents. A licensed dealer shall at all times be responsible for the acts, contracts or agreements made by the dealer's agent or agents in the purchase or sale of potatoes.

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-19

74-05-01-06. Time limit for payment. Whenever potatoes have been sold to any dealer on open account, the buyer shall pay for the potatoes within thirty days from delivery thereof unless an agreement for extension of credit has been

made between the seller and the purchaser, or unless prompt cash payment on delivery is specified.

History: Amended effective January 1, 2005.

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-19

74-05-01-07. Contracts - Confirmation. Whenever a contract is entered into between the purchaser and the seller or the seller's agent for the purchase of potatoes and a confirmation is submitted by either the seller or the seller's agent, unless the purchaser refuses to accept the confirmation by promptly notifying the seller or the seller's agent to the effect that the confirmation is not in accordance with the contract, in person, in writing, or by telegram, the confirmation shall be considered binding.

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-19

74-05-01-08. Complaints. Repealed effective January 1, 2005.

74-05-01-09. Claims against bonds. No person delivering potatoes to a licensed dealer shall be entitled to the benefits of any required ~~bond~~ financial instrument unless the person shall have filed the person's claim therefore with the seed commissioner within ~~one hundred eighty~~ three hundred sixty days after the delivery of the person's potatoes to the principal in the case of a sale, or within ~~one hundred eighty~~ three hundred sixty days after the sale by the principal in the case of potatoes received on consignment.

History: Amended effective June 1, 1998; January 1, 2005; September 1, 2006.

General Authority: NDCC 4-11-19

Law Implemented: NDCC 4-11-15

74-05-01-10. License suspension, revocation, or cancellation.
Repealed effective January 1, 2005.